

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 27 Permit 31 License 3165

**ORDER APPROVING CHANGE TO THE POINT OF DIVERSION, ADDING A
ENDANGERED SPECIES TERM, AND AMENDING THE LICENSE**

WHEREAS:

1. License 3165 was issued to Reclamation District No. 1004 and was filed with the County Recorder of Sutter, Colusa, and Glen on May 3, 1951.
2. On February 5, 1998, petition to change the Point of Diversion was filed with the State Water Resources Control Board (SWRCB) requesting the relocation of its northern most pumping plant on the Sacramento River. The SWRCB has determined that good cause for such change has been shown.
3. The SWRCB has determined that the petition for change does not constitute the initiation of new right nor operates to the injury of any other lawful user of water.
4. Fish or wildlife species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The points of diversion under this license shall be as follows:
 - 1) North 680 feet and West 880 feet from SE corner of projected Section 18, T18N, R2W, MDB&M, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 18 (California Coordinate System, Zone 2 = North 634,100 feet and East 1,998,325 feet).
 - 2) South 1,300 feet and West 1,500 feet from NE corner of Section 29, T16N, R1W, MDB&M, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 29 (California Coordinate System, Zone 2 = North 563,100 feet and East 2,002,750 feet).
 - 3) South 80° 31' 47" East, 1,292 feet from center of Section 34, T16N, R1W, MDB&M, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 34 (California Coordinate System, Zone 2 = North 556,150 feet and East 2,013,450 feet)
2. The addition of an endangered species term that reads as follows:

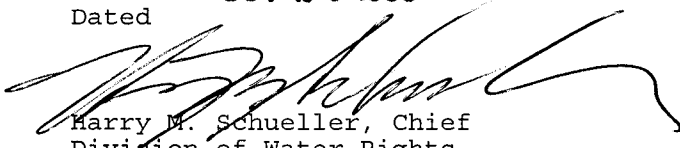
This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or

Application 27 Permit 31 License 3165

becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain an incidental take permit prior to operation. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license. (0000014)

OCT 20 1998

Dated


Harry M. Schueller, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 27 Permit 31 License 3165

ORDER APPROVING CHANGES TO PLACE OF USE AND AMENDING THE LICENSE

WHEREAS:

1. License 3165 was issued to Reclamation District No. 1004 and was filed with the County Recorder of Sutter, Colusa and Glenn Counties on May 3, 1951.
2. On February 5, 1998, a petition to change the Point of Diversion was filed with the State Water Resources Control Board (SWRCB) requesting the relocation of its northern most pumping plant from the Sacramento River. The SWRCB has determined that good cause for such change has been shown.
3. The SWRCB has determined that the petition for change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

The points of diversion under this license shall be as follows:

- 1) North 680 feet and West 880 feet from SE corner of projected Section 18, T18N, R2W, MDB&M, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18 (California Coordinate System, Zone 2 = North 634,100 feet and East 1,998,325 feet).
- 2) South 1,300 feet and West 1,500 feet from NE corner of Section 29, T16N, R1W, MDB&M, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 29 (California Coordinate System, Zone 2 = North 563,100 feet and East 2,002,750 feet).
- 3) South 80°31'47" East, 1,292 feet from center of Section 34, T16N, R1W, MDB&M, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 34. (California Coordinate System, Zone 2 = North 556,150 feet and East 2,013,450 feet).

Dated: **SEPTEMBER 14 1998**


Harry M. Schueller, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ORDER

Application 27 Permit 31 License 3165

**ORDER APPROVING CHANGES TO PLACE OF USE AND AMENDING THE
LICNESE**

WHEREAS:

1. License 3165 was issued to Reclamation District No. 1004 and was filed with the County Recorder of Sutter, Colusa and Glenn Counties on May 3, 1951.
2. A petition to change the place of use has been filed with the State Water Resources Control Board (SWRCB) requesting an increase of the gross acreage of the place of use by 1,845 from 20,993 acres to 22,838 acres. The SRWCB has determined that good cause for such change has been shown.
3. The SWRCB has determined that the petition for changes does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The place of use under License 3165 shall be amended as follows:
A net irrigable area of 7,000 acres within the 22,838 acre gross place of use as shown on the map dated December 22, 1997 on file with the SWRCB.
2. License 3165 shall be amended to include the following condition:
The total quantity of water diverted under License 3165 shall not exceed 56,000 acre-feet per year.

Dated: **JANUARY 30 1998**

for 
Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 27

PERMIT 31

LICENSE 3165

ORDER ALLOWING CHANGE IN POINT OF DIVERSION

WHEREAS:

1. License 3165 was issued to Reclamation District No. 1004 and was filed with the County Recorder of Sutter, Colusa and Glenn Counties on May 3, 1951.
2. An order allowing change in the points of diversion was granted on March 31, 1952 and has been filed with the County Recorder of Sutter and Glenn Counties on April 1, 1952 and Colusa County on April 2, 1952.
3. A petition for change in point of diversion, has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
4. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

The points of diversion under this license shall be as follows:

- 1) North 65°43' West, 7,041.5 feet from SE corner of Section 17, T18N, R1W, MDB&M, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 18, T18N, R1W, MDB&M.
- 2) South 1,300 feet and West 1,500 feet from NE corner of Section 29, T16N, R1W, MDB&M, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 29.
- 3) South 80°31'47" East, 1,292 feet from center of Section 34, T16N, R1W, MDB&M, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 34.

Dated: JANUARY 8 1986

Lloyd D. Johnson
Lloyd D. Johnson, Interim Chief
Division of Water Rights

5

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 27

PERMIT 31

LICENSE 3165

ORDER ALLOWING CHANGE IN POINT OF DIVERSION

WHEREAS:

1. License 27 was issued to Reclamation District No. 1004 and was filed with the County Recorder of Sutter, Colusa and Glenn Counties on May 3, 1951.
2. An order allowing change in the points of diversion was granted on March 31, 1952 and has been filed with the County Recorder of Sutter and Glenn Counties on April 1, 1952 and Colusa County on April 2, 1952.
3. A petition for change in point of diversion, has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
4. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

The points of diversion under this license shall be as follows:

- 1) North 65°43' West, 7,041.5 feet from SE corner of Section 17, T18N, R1W, MDB&M, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 18, T18N, R1W, MDB&M.
- 2) South 1,300 feet and West 1,500 feet from NE corner of Section 29, T16N, R1W, MDB&M, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 29.
- 3) South 80°31'47" East, 1,292 feet from center of Section 34, T16N, R1W, MDB&M, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 34.

Dated: OCTOBER 29 1985

Lloyd D. Johnson
Lloyd D. Johnson, Chief
Division of Water Rights

4

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

ORDER

APPLICATION 27

PERMIT 31

LICENSE 3165

ORDER ALLOWING CHANGE IN POINTS OF DIVERSION

Licensee having established to the satisfaction of the State Engineer that the change in points of diversion under Application 27, Permit 31, License 3165 for which petition was submitted on February 18, 1952 will not operate to the injury of any other legal user of water, the State Engineer so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the points of diversion under said Application 27, Permit 31, License 3165 to points of diversion described as follows, to wit:

- (1) NORTH SIXTY-FIVE DEGREES FORTY-THREE MINUTES WEST ($N 65^{\circ} 43' W$) SEVEN THOUSAND FORTY-ONE AND FIVE TENTHS (7041.5) FEET FROM SE CORNER OF SECTION 17, T 18 N, R 1 W, M.D.B.&M., BEING WITHIN $SE\frac{1}{4}$ OF $NE\frac{1}{4}$ OF SECTION 18, T 18 N, R 1 W, M.D.B.&M.
- (2) SOUTH ELEVEN DEGREES NINE MINUTES WEST ($S 11^{\circ} 09' W$) THREE THOUSAND THREE HUNDRED NINETY-FOUR (3394) FEET FROM CENTER OF SECTION 20, T 16 N, R 1 W, M.D.B.&M., BEING WITHIN $NE\frac{1}{4}$ OF $NW\frac{1}{4}$ OF SECTION 29, T 16 N, R 1 W, M.D.B.&M.
- (3) SOUTH EIGHTY DEGREES THIRTY-ONE MINUTES FORTY-SEVEN SECONDS EAST ($S 80^{\circ} 31' 47'' E$) ONE THOUSAND TWO HUNDRED NINETY-TWO (1292) FEET FROM CENTER OF SECTION 34, T 16 N, R 1 W, M.D.B.&M., BEING WITHIN $NW\frac{1}{4}$ OF $SE\frac{1}{4}$ OF SAID SECTION 34.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 31st day of March 1952.



A. D. Edmonston
A. D. Edmonston
State Engineer

3



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

APPLICATION 27

PERMIT 31

LICENSE 3165

THIS IS TO CERTIFY, That **Reclamation District No. 1004,
c/o Stephen W. Downey, Attorney at Law
Capital National Bank Building, Sacramento, California**
has made proof as of **May 26, 1950,**

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of
Sacramento River in Glenn and Colusa Counties

tributary to **Suisun Bay**

for the purpose of **irrigation use**

under Permit **31** of the Department of Public Works and that said right to the use of said water has
been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works
and the terms of the said permit; that the priority of the right herein confirmed dates from **April 2, 1915; and**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed **one hundred sixty-six (166)**
cubic feet per second to be diverted from about April 1 to about October 15 of
each year.

The equivalent of such continuous flow allowance for any thirty day period
may be diverted in a shorter time if there be no interference with other vested
rights.

The points of diversion of such water are located as follows: *Amended by order of 3-31-52*

(1) North sixty-five degrees forty-three minutes West ($N 65^{\circ} 43' W$) seven
thousand forty-one and five tenths (7041.5) feet from SE corner of Section 17,
T 18 N, R 1 W, M.D.B.&M., being within $SE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 18, T 18 N, R 1 W,
M.D.B.&M.

(2) South eleven degrees nine minutes West ($S 11^{\circ} 09' W$) three thousand
three hundred ninety-four (3394) feet from center of Section 20, T 16 N, R 1 W,
M.D.B.&M., being within $NE\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 29, T 16 N, R 1 W, M.D.B.&M.

A description of the lands or the place where such water is put to beneficial use is as follows: A net irrigable
area of 20,993 acres within the boundaries of Reclamation District No. 1004, being
within T 16, 17 and 18 N, R 1 W, and T 17 N, R 1 E, M.D.B.&M., as shown on map filed
with State Engineer. The maximum area irrigated in any one year shall not exceed
7000 acres.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance
with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or
unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from
time to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion
herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Witness my hand and the seal of the Department of Public
Works of the State of California, this 30th
day of April, 1951

A. D. Remington
A. D. REMINGTON
State Engineer



LICENSE 3165

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO Reclamation District No. 1004

DATED APR 30 1951